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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,540

09/23/2003

Lucas A. Jacobson

2125

7590

02/15/2005

George R. Nimmer  
PO Box 252  
Omaha, NE 68101-0252

EXAMINER

HSIEH, SHIH YUNG

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/668,540

Applicant(s)

JACOBSON, LUCAS A.

Examiner

Shih-yung Hsieh

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

Art Unit: 2837

1. The disclosure is objected to because of the following informalities: "my" line 3, page 6 should be "by".

Appropriate correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbiter (4,218,952) in view of Sassmannshausen et al. (5,561,255).

Regarding claim 1, Arbiter discloses a drum hoop (20), comprising an annular ring having an inward face, an outward face, and upper edge, and a lower edge (Fig. 1); a plurality of parallel visual guidelines formed on the inward face of the ring, said guidelines positioned parallel to the reference plane (col. 5, lines 19-23).

The difference between Arbiter's hoop and claim 1 is that claim 1 recites a plurality of flanges formed on the outward face of the ring, projecting radially outwardly from the lower edge, said flanges having a lower surface residing within a single reference plane.

Sassmannshausen et al. teach a plurality of flanges (5) formed on the outward face of a ring (4), projecting radially outwardly from the lower edge, said flanges having

a lower surface residing within a single reference plane (Figs. 1 and 2) for tensioning the drum head.

It would have been obvious to one having ordinary skill in the art to modify Arbiter's hoop as taught by Sassmannshausen et al. to include a plurality of flanges formed on the outward face of the ring, projecting radially outwardly from the lower edge, said flanges having a lower surface residing within a single reference plane for the purpose of tensioning the drum head.

Regarding claim 7, see above statement.

Regarding claim 11, it is obvious that the method of adjusting the connection of the hoop to the shell until the drumhead is taut and one of the visual guidelines is parallel with the drumhead, are taught by the combination of the references.

3. Claims 2, 5, 6, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbiter in view of Sassmannshausen et al. as applied to claim 1 above, and further in view of Light (4,188,852).

Regarding claims 2, 5, 6, 8, and 10, Arbiter in view of Sassmannshausen et al. disclose the claimed invention except specifying said guidelines are uniformly spaced apart, and are continuous grooves formed and extending around the inward face of the ring.

Light teaches a tuning system for a drum having guidelines (68) uniformly spaced apart, and are continuous grooves formed and extending around the outward face of a cylindrical portion (53) for tuning a drumhead (col. 5, lines 27-33, and Fig. 3).

It would have been obvious to one having ordinary skill in the art to modify Arbiter in view of Sassmannshausen et al's hoop as taught by Light to include said guidelines are uniformly spaced apart, and are continuous grooves formed and extending around the inward face of the ring for the purpose of tuning a drumhead.

4. Claims 3-4, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbiter in view of Sassmannshausen et al. as applied to claims 1 and 7 above, and further in view of Light and Walker (4,062,265).

Regarding claims 3, 4, and 9, Arbiter in view of Sassmannshausen et al. disclose the claimed invention except specifying said guidelines are printed indicia formed of a continuous line extending around the inward face of the ring.

Light's teaching has been stated above. Walker teaches a tuning system for a musical instrument having guidelines (38) being printed indicia (32) for tuning the instrument.


It would have been obvious to one having ordinary skill in the art to modify Arbiter in view of Sassmannshausen et al's hoop as taught by Light and Walker to include said guidelines are printed indicia formed of a continuous line extending around the inward face of the ring for the purpose of tuning a drumhead.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-yung Hsieh whose telephone number is 571-272-2065. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

syh

  
SHIH-YUNG HSIEH  
PRIMARY EXAMINER